



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,842	05/04/2005	Ian Clarke	P/3653-12	6092

2352 7590 05/11/2007
OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER

WIEST, PHILIP R

ART UNIT	PAPER NUMBER
----------	--------------

3761

MAIL DATE	DELIVERY MODE
-----------	---------------

05/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

11

Office Action Summary	Application No. 10/533,842	Applicant(s) CLARKE ET AL.	
	Examiner Phil Wiest	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/30/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7,9-11,15 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,9-11,15 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In the amendment filed 1/30/2007, Applicant canceled claim 14, amended claims 1-4, 7, and 15, and added new claim 19.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-3 and 9, 11, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Keime (GB 2,165,312).
2. With respect to Claims 1-3, Keime discloses an apparatus 1 for controlled dispensing of a liquid from a flexible bag 2 comprising a chamber 4 adapted to contain the flexible bag 2, and an outlet 16 adapted to receive an outlet conduit 15 communicating with the flexible bag 2. A source of gas 19 is arranged to release gas into the chamber 4, applying pressure to the exterior walls of the flexible bag 2, and a pressure regulator 23 is arranged to control the pressure applied to the bag, thus causing fluid to be dispensed from the bag in a controlled manner (Page 1, Lines 67-72). Keime further discloses that the chamber is substantially gas-tight (Page 2, Lines 2-5), as per Claim 2. The outlet 16 is fitted with a gasket 14 which seals the chamber, and the gas supply 19 is arranged to supply gas under pressure to the interior of the chamber 4. Regarding Claim 3, the pressure regulator 23 regulates the flow of gas from the source to the chamber (Page 2, Lines 29-36).

3. With respect to Claims 9 and 11, Keime discloses that the source of gas comprises a pressure vessel 19 of pre-compressed gas. Additionally, Keime discloses that the flexible bag 2 is a clear and capable of containing medical fluids (a medical supply bag), as per Claim 11 (Page 1, Lines 105-112).

4. With respect to Claim 15, Keime discloses that the chamber has a relatively flat cuboidal configuration having a depth significantly less than the length or width of the chamber. See Figures 1 and 2. Keime further discloses that the pressure vessel 19 and gas regulator alongside the chamber 4 in a common housing 1 with the rest of the apparatus. The pressure vessel 19 and pressure regulator 23 are arranged such that they are contained within the depth of the housing 1. See Figures 2 and 3.

5. Claims 1-4, 7, 10, 11, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Laing (CA 2,083,555).

6. With respect to Claims 1-4, Laing discloses an apparatus 10 for controlled dispensing of a liquid from a flexible bag 40 comprising a chamber 20 adapted to contain the flexible bag 40, and an outlet (48 and 49) adapted to receive an outlet conduit 45 communicating with the flexible bag 40. A source of gas 58 is arranged to release gas into the chamber 20, applying pressure to the exterior walls of the flexible bag 40, and a pressure regulator 50 is arranged to control the pressure applied to the bag, thus causing fluid to be dispensed from the bag in a controlled manner. Regarding Claim 2, the air bag portion 30 of the chamber 20 is substantially air tight. The outlet (48 and 49) comprises a clamp 28 and a needle 29 adapted to seal the chamber (Page

Art Unit: 3761

11, Lines 3-26), and the gas supply 58 is arranged to supply gas under pressure to the interior of the chamber 20. Regarding Claim 3, the pressure regulator 50, which comprises air pump 58, microprocessor 56, and pressure transducer 55, is arranged to regulate the flow of gas from the source to the chamber (Page 12, Lines 15-20).

7. With respect to Claims 4 and 19, Laing further discloses that the source of gas 58 is connected to an inflatable bladder 30 such that the inflatable bladder is in contact with at least a portion of the exterior wall of the air bag 40. See Figure 1. Regarding newly added claim 19, the pressure regulator is operable to regulate the flow of gas from the source into the inflatable bladder (Page 7, Lines 14-26).

8. With respect to Claim 7, Laing discloses that the inflatable bladder 30 comprises an inflatable sock positioned and operable to wrap around at least a portion of the flexible bag 40 (see Figure 1). An "inflatable sock" is interpreted by the examiner as being any type of bag that is able to be filled with air. With respect to Claims 10 and 11, Laing discloses that the source of gas is a reservoir 35 pressurized by a pump 58 (see Figure 1). The pump 58 is controlled by the microprocessor 56 in order to change the pressure in the inflatable bladder 40, thus controlling the flow rate of fluid from the flexible bag 4.

Response to Arguments

9. Applicant's arguments filed 1/30/2007 have been fully considered but they are not persuasive. Applicant argues that the Keime and Laing references do not disclose the dispensing of liquid at a controlled rate provided by an apparatus that applies

Art Unit: 3761

pressure to the exterior walls of a flexible fluid bag and maintains pressure at a constant and predetermined level.

Regarding applicant's argument based on the Keime reference, Keime discloses a control element that regulates and controls the pressure, as stated above (Page 1, Lines 67-71). If pressure is able to be regulated controlled, is obvious that pressure is capable of being kept ad a constant, predetermined level. Furthermore, because pressure and flow are directly proportional, a flow regulator would enable the pressure applied to the exterior walls to be kept constant.

Regarding applicant's argument based on the Laing reference, Laing does in fact disclose that the control module maintains pressure applied to the exterior wall of the flexible bag at a constant and predetermined rate. If pressure falls below a predetermined threshold point, the microprocessor communicates with the air pump to increase the pressure (Page 12, Lines 20-29).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phil Wiest whose telephone number is (571) 272-3235. The examiner can normally be reached on 8:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/533,842

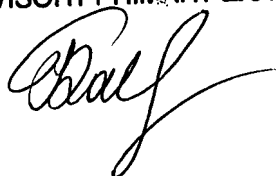
Page 7

Art Unit: 3761

PRW

4/24/07

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Tatyana', with a long, sweeping horizontal stroke extending to the right.